

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK _____

[illegible]

2:15-CV-0252

WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

Petitioner has filed an application for a writ of habeas corpus challenging a state prison disciplinary decision. On August 18, 2015, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be denied because petitioner is not eligible for mandatory supervised release and because he did not lose good time as a result of the disciplinary decision. On August 28, 2015, petitioner filed objections to the Report and Recommendation challenging the Magistrate Judge's recommendation that his petition be summarily denied without requiring an answer from respondent because he is not entitled to federal habeas corpus relief from his prison disciplinary proceeding. Petitioner also appears to challenge the validity of his underlying conviction from 1999 out of Dallas County, Texas.

The undersigned United States District Judge has made an independent examination of the record in this case. In his habeas application, petitioner indicates he is challenging a 2015

prison disciplinary decision. Any challenges to his 1999 conviction petitioner is attempting to assert in this proceeding would be successive. Petitioner has not asserted any objections to the Magistrate Judge's finding that petitioner cannot be granted any relief under habeas corpus because he did not lose any good time as a result of the prison disciplinary proceeding challenged herein. Moreover, summary denial is appropriate when a petitioner cannot be granted relief. Petitioner's objections are OVERRULED, and the Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the application for a writ of habeas corpus filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 2nd day of September 2015.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE